G. R. S. IX-5]

Previous references.

File No. 16-19

1919

Serial Nos. 152

( )

Later references.

H 358-40-1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for December 1919

SUBJECT.

Amendments to Insurance Rules

From

The Secretary, S. L. I. Committee.

No. 1948 Dy 18. 8. 1919.

Requests orders as to how nominations under article 23 (b) are to be treated if their acceptance is not completed during the life time of the insured.

To

The Same Officer. No. H 360 1 Dy 9. 12. 1919

States that a nomination made according to Rule 23 of the Insurance rules may be held to be valid if it is accepted by competent authority even though the acceptance is after the death of the nominator.

W D 1250—GPB—30,000 - 28-1-19

G. R. S. III—1] 191 ?

GENERAL AND REVENUE SECRETARIAT

? 7)

NOTES.

File No. 16-19

FILE HEADING.

Amendments to Civil Rules. (Genl. Branch)

From

The Secy. S.L.G. Committee

No. 1948 Dated 16-8-19 Received 6-9-19.

Diary No. 821 | Enclos. 1+1 Spare Copies. | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests orders as to how nominations under r. 23 A ~~not approved by the Committee~~ to be treated if their acceptance ~~in the~~ is not completed by the life time of the minor

NOTES AND ORDERS.

The wording in rule 23-A is that "a nomination shall not be considered valid if it has not been accepted by the President and the Secy of the Committee as may be necessary

General and Revenue Secretariat.

Serial No.

According therefore to the strict letter of the rule, such cases have to be treated as invalid. But, taking the spirit into consideration, the cases have to be treated as valid, as it is not the nominator's fault if delay occurs in the approval of the nomination

1 If approved the Legis. Dept. may be consulted in the matter

3 There has been full discussion in the Case.

4 The question involves a very important legal point. The three essentials required to complete a nomination are

(1) nomination during the lifetime of the insured.,

(2) approval of the name by the Resident & Secy or the Committee, as the case maybe, and

(3) registration in the Office of the Insurance ...

The only point for consideration ~~whether consideration is required~~

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General and Revenue

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Whether the approval of the nomination application by competent authority - Vide sub 2 should be enquired in writing during the life time of the insured - to make the nomination valid, even if it be held that the actual legislation - sub (3) is a compact act -

The question, it seems, has to be viewed as affecting the rights of parties and in accordance with the law on the subject -

Let us suppose - that a nomination in respect of which all the essentials have been fulfilled, is proposed by the insured who cancelled by a later Nomination, application prepared in proper form, during his life time but approved by competent authority after the death of the insured -

Will the original nominee lose his rights by such Cancellation -?

Henry) Submitted for orders. 18 11.9.09

The opinion of the Judicial dept (of the Govt) may be taken. The

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opinion of the present Govt Advocate is clear and the Resident (Mr. Chakravarti) & the majority of members of the Committee - Joint all except Mr Subrahmanya Iyer agree with Mr. Shankaranarayanan.

mmh 17/9/19

Chief Secy) 18/9/19

1. Please put up a copy of the Rules

D.M. 18/9/19

To the Supdt. Financial Secty, for kindly putting up a copy of the Insurance Rules.

Asst 19/9/19

Copy put up.

Supdt 19/9/19. Asst 19/9/19

The ordinary principles of the law of Contract seem to be applicable to the case in question. Under R. 23-A, the validity of the nomination depends upon the acceptance by the President and the Secretary of the Committee. Hence the Contract cannot be said to be complete and binding before such acceptance. Under English law it is understood that the death of either party before acceptance causes an offer to lapse. But according to Indian law an intimation is revoked

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By the death of the proposer, if the fact of his death comes to the knowledge of the acceptor before acceptance vide S. 6(4) of the Indian Contract Act.

Dm. 29/9

(Interest)

This is an important legal matter and I do not think the Finance Dept can take action on the opinion of the Asstt Secy Legislative Branch which may be asked to place the case before higher authorities.

Smle 5/10.

5/10/19

I agree

Dm.

The question is not one of contract but of administrative convenience. The contract has already been entered into & his heirs' present proposal cannot be treated as — to break contract because it is not a

Executors & his heirs & his deceased
insured, his/her respective
nominations and pays his income
& his nominee. Whereas, his heirs
& his deceased will have to furnish
a heirship certificate. The nomi-
nation may be regarded as amount
ing to a disposal & his insured
Amount either as a disposition
inter vivos or after death. In some
cases it may be valid & in some cases
it may not be valid at all. For
example, in case & his insured
being a Mohammedan, his nomina-
tion cannot be regarded as a gift,
for under his Mohammedan law such a
gift is not permissible & it can-
not be regarded as a bequest as no
Mohammedan can make a will in
favour & a heir without his consent & his
other heirs. It is pure that his
post should be protected by legislation
& absolved & its responsibility when
once a payment is made to a
nominee. In cases have been
been brought to challenge his no-
mination because therefore non

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General and Revenue Secretariat. File No. of 191

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has a right in the country to see his family
However this is a matter for his own
decision. The insurance amount
in his case, there is no harm in
paying his amount. This amount
in his name has remained
in Bank and there is also a risk
attending his payment. Under the
circumstances it is best his insurance
rules can take place only when there
is an order. What appears by his Bank
pass Book his insurance is by some other
person specially nominated in
his behalf —

Under
16/10/19

Agreed

18
20/10

The amount assured in the particular case referred to by the Insurance Secretary has been paid to the nominee of the deceased - -- Insured according to precedents.

It is on the general question referred to in para 2 of the Insurance Secretary's --- letter that orders of Government are sought The answer to this question is not clear f the Second Member's Minute. It would howev

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appear from the last sentence of the Minute that a nomination made according to Rule 23 is valid even if the acceptance of it is after the death of the nominator, provided the registration is made "When there is an order to that effect by the President of the Insurance Committee or by some other person specially authorized on his behalf." The present Government Advocate is of opinion that a nomination is valid even if accepted after the death of the nominator. The majority of the members of the Insurance Committee and the late President -- Mr. Chakravarti - hold the same view. In these circumstances a draft stating that such nomination may be considered as valid may be put up for submission to Dewan.

G. R. S. III

General and Revenue Secretariat.

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Serial No. 4

The Secretary State Life Insurance Committee

H no. ~~3 of 3 bo~~ 1 & 9-12-19 with reference to N 1 Note that a communication made according to rule 23 of 8 of Insurance Rules may be held to be valid if it is accepted by Competent authority even ~~if~~ when the acceptance is after the death of the communicator

WD 0535—GPB—10,000—25-6-17

M.S.L.I.
O.2

191 -1 .

FROM

T. Satyaraj Chetty, Esq., B.A.,
~~M. N. KRISHNA RAO, Esq., B.A.,~~

Secretary,

Mysore State Life Insurance Committe

6995

Bangalore.

TO M.N. Krishna Rao, Esq., B.A.,
Officiating Financial Secretar
to the Government of His High
ness the Maharaja of Mysore,
Bangalore.

Dated 18th August 19

Despatched

Received

General No. 19 v 8 Z/17 file 10 XXX

Enclosure No.

S i r,

I have the honor to forward herewith reference and obliging return the file of papers relating to the payment of the bonus assured by policies No.744, 4327, 9345, 108 11640, 13671 and R.B.C.306. In this case, the sum assured was paid, following a previous precedent, to the nominee whose nomination made in accordance with Rule 23 A wa not accepted by the President and the Secre ary during the lifetime of the insured.

I request you to be so good as to obtain definite orders of Government on the general question raised in the above case as to whether a nomination made in the mann provided for in Rule 23 A should be considered invalid if its acceptance in the manner provided in the last sentence of the same rule, has not been completed during th life time of the insured. A copy of the

of the opinion of Mr. Narain Rao, a former Government Advocate, expressed in the case of one Mritunjaya Rao referred to in the notes in the accompanying file, is also enclosed.

I have the honor to be,

Sir,

Your most obedient servant ,

dated 11th August 1909

Copy of letter No.47/Ev.1/and one book received from the Government Advocate in Mysore, Bangalore.

In reply to your letter No.426 dated 9/10th instant, I have the honor to state that the application of R. Mrittunjaya Rao cannot be acted upon for the reasons (1) that the application is not in conformity with the provisions of Rule 23 A and (2) that the applicant died before his nominee was registered.

The bonus is now payable to the legal heirs of the deceased under Rule 23 on the production of a Succession Certificate. The 1e enclosures to the letter under reply are herewith returned.

I have, etc.,

Sd. S. Narayana Rao,
Government Advocate.

C O P Y

Assistant Secretary.

FROM

M. N. KRISHNA RAO, ESQ. B.A.,
Secretary,
Mysore State Life Insurance Committee,
Bangalore.

Dated

Despatched

Received

General No.

Enclosure No.